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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,530	12/28/2000	Denis Khoo	40015980-0007	6669

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PILLSBURY WINTHROP, LLP
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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/05/2004

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,530

Applicant(s)

KHOO ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 9-12, 17-19, 22, 44-47, 59, 61-63 and 65-79 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-12, 17-19, 22, 44-47, 59, 61-63 and 65-79 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 4/02/2004 was filed after the mailing date of the Final Rejection on 1/02/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/02/2004 has been entered.

Response to Arguments

3. Applicant's arguments filed 4/02/2004 have been fully considered but they are not persuasive.

In general, all independent claims have been amended to stress that reception verification data is being sent from a client to a server, and the server is determining if a program has been viewed for a certain amount of time (predetermined condition). If this amount of time has been met, a reward is sent from the server to the client.

In the in-person interview dated 3/20/2004, the examiner stressed that the claim language did not stress transmitted the data to and from the reward engine. Applicant's

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representative agreed, and accepted examiner's suggestion to amend the claims accordingly. Examiner also stressed that Candelore still taught transmitting reception verification data to a reward engine and rewarded a user according to the verification data. Applicant disagreed. The examiner still believes that Candelore reads on the claims, and a clear description of how the "report-back" function of Candelore (which was stressed by the examiner in the in-person interview) reads on the claim language.

Examiner notes Column 6, Lines 30-33 of Candelore, which states that the terminals include a means for monitoring various factors, which define the terminal's usage pattern data over a defined time period. Further, Candelore teaches (at Column 6, Lines 35-36 that such a factor is the duration that a terminal has tuned to a particular program or program service (i.e. the time spent viewing a program).

Candelore continues to disclose that, "Optionally, in a "report-back" function, the usage pattern (see above) is periodically "transmitted from the terminals to the usage pattern data accounting function 125, for example, via the hub 124". In response to the transmission of this verification data, Candelore continues to disclose at Column 6, Lines 65-67 and Column 7, Line 1 a specific example which specifies that after a two day promotional program service is monitored to see how often the user viewed such a promotion, "that the subscriber can be subsequently offered a digital coupon which allows him to upgrade to the selected premium service, e.g., at one-half off the normal charge for the first month." Therefore, Candelore even provides a specific example of how viewing a program for a time period can produce a coupon offered to a user.

In the interview Applicant suggested that Candelore only teaches making this determination locally, however, as stated at Column 7, Lines 13-16, if the report back function is not used, only then will Candelore make such a determination locally.

Applicant's amendment fails to read over the Candelore reference, therefore the previous rejection stands and is repeated below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 9-12, 17-19, 22, 44-47, 59, 61-63 and 65-79 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Candelore (U.S. Patent No. 6,057,872).

Referring to claim 1, Candelore discloses transmitting the content over the data network (see Claim 1 of Candelore) to a content reception device (see element 160, 170 and 180 in Figure 1).

Candelore also discloses presenting on the content reception device the content for a presentation period (Column 6, Lines 35-36).

Candelore also discloses transmitting over the data network, to the reward engine, a reception verification data verifying that the content reception device has

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presented the content for the presentation period (Column 6, Lines 28-67 and Column 7, Line 1 and arguments above).

Candelore also discloses that the reward engine, based on the reception verification data, a reward if said presenting of the content satisfies a predetermined condition associated with the reward (Column 6, Lines 62-67 and Column 7, Line 1).

Referring to claim 2, Candelore discloses that the content includes an advertisement (Column 6, Lines 51-55).

Referring to claim 3, Candelore also discloses providing video media (Column 8, Lines 33-38).

Referring to claim 9, Candelore discloses requesting, by the content reception device over the data network, content from a content providing server (see element 130 (controller) in Figure 1).

Candelore also discloses retrieving, by the content providing server (Column 7, Lines 31-33), the content requested (Column 3, Lines 9-17).

Candelore also discloses transmitting the content to the content reception device (element 120 in Figure 1) through the data network (element 170 in Figure 1).

Referring to claim 10, Candelore discloses transmitting, by the content reception device, information to the content providing server (Column 7, Lines 31-33) requesting the content from the content providing server (Column 3, Lines 9-17), and storing, by the content providing server, the information (element 125 in Figure 1).

Referring to claim 11, Candelore discloses that the content reception device includes a content display device (see element 180 in Figure 1), and that the content

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reception device requests the content based on a demographic of the viewer (Column 17, Lines 65-67 and Lines 1-2).

Referring to claim 12, Candelore discloses displaying the content on an intelligent television (element 180 in Figure 1).

Referring to claim 17, Candelore discloses displaying the content for the display period, the display period being a period of time to display a portion of the content (Column 6, Lines 35-36).

Referring to claim 18, see rejection of claim 17.

Referring to claim 19, Candelore discloses identifying, to the reward engine through the reception verification data, the content received (see rejection of claim 1).

Candelore also discloses identifying, to the reward engine through the reception verification data, the content reception device (Column 5, Lines 49-53 and Column 6, lines 38-41).

Candelore also discloses recording a presentation period during which the content is presented (see rejection of claim 1).

Candelore also discloses transmitting, over the data network, to the reward engine, the reception verification data verifying that the content has been presented for the presentation period (see rejection of claim 1).

Referring to claim 22, Candelore discloses providing a monetary award to the viewer (Column 9, Lines 7-14).

Referring to claim 44, see rejection of claims 1 and 9.

Referring to claim 45, Candelore discloses that the content reception device requests the motion picture content based on a viewing habit of the viewer (Column 2, Lines 55-61).

Referring to claims 46-47, see rejection of claims 11-12, respectively.

Referring to claims 59 and 61-63, see rejection of claims 1 and 9.

Referring to claims 65-66, see rejection of claim 3.

Referring to claims 67-69, see rejection of claim 1.

Referring to claims 70, 72-73 and 76-79, see rejection of claim 1.

Referring to claim 71, see rejection of claim 9.

Referring to claim 74, see rejection of claims 1 and 19.

Referring to claim 75, see rejection of claim 74.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 22, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER